

JOURNAL OF THE SENATE

EIGHTY-NINTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, February 7, 2014

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Jason Samuelsen.

Roll Call: All members present except Sens. Begalka, Buhl O'Donnell, Ewing, Frerichs, Omdahl and Peters who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the fifteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

January 29, 2014

The Honorable Matt Michels
President of the Senate
State Capitol
Pierre, SD 57501

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Chapter 5-12 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have appointed Steven J. Zellmer, Pennington County, Rapid City, South Dakota, to the South Dakota Building Authority.

This appointment is effective immediately, and shall continue until January 15, 2018.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the appointment to the Committee on Commerce and Energy.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 59 and 60 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 54 and returns the same with the recommendation that said bill be amended as follows:

54fa

On page 11, line 16, of the printed bill, after "misdemeanor." insert "The licensing requirements of this section do not apply to any regulated lenders as that term is defined in § 54-3-14, any insurance company authorized to do business in this state, or any financing institution as defined in and licensed pursuant to chapter 54-4 that acquires snowmobiles as an incident to its regular business."

1 On page 11, line 24, overstrike everything after "any" and insert "regulated lenders as that
2 term is defined in § 54-3-14, any insurance company authorized to do business in this state, or
3 any financing institution as defined in and licensed pursuant to chapter 54-4 that acquires mobile
4 homes or manufactured homes as an incident to its regular business".

5 On page 12, line 1, overstrike "manufactured homes or mobile homes".

6 On page 12, line 7, after "misdemeanor." insert "The licensing requirements of this section
7 do not apply to any regulated lenders as that term is defined in § 54-3-14, any insurance
8 company authorized to do business in this state, or any financing institution as defined in and
9 licensed pursuant to chapter 54-4 that acquires new or used boats as an incident to its regular
10 business."

11 And that as so amended said bill do pass.

12 Respectfully submitted,
13 Mike Vehle, Chair

14 Also MR. PRESIDENT:

15 The Committee on Appropriations respectfully reports that it has had under consideration
16 HB 1009 and 1010 and returns the same with the recommendation that said bills do pass and
17 be placed on the consent calendar.

18 Also MR. PRESIDENT:

19 The Committee on Appropriations respectfully reports that it has had under consideration
20 SB 15 and returns the same with the recommendation that said bill be amended as follows:

21 15ma

22 On page 1, line 6, of the printed bill, before "South Dakota" delete "The" and insert "It is
23 in the public interest that the".

24 And that as so amended said bill do pass.

25 Respectfully submitted,
26 Deb Peters, Chair

27 Also MR. PRESIDENT:

28 The Committee on State Affairs respectfully reports that it has had under consideration
29 SB 147 and 151 and returns the same with the recommendation that said bills do pass and be
30 placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 51 and returns the same with the recommendation that said bill be amended as follows:

4 51oa

5 On page 3 of the printed bill, delete lines 21 to 23, inclusive, and insert:

6 "Only tobacco products that are included in the directory published pursuant to § 10-50-77 may
7 be inserted into a roll-your-own machine as described in § 10-50-105."

8 And that as so amended said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on State Affairs respectfully reports that it has had under consideration
11 SB116 and returns the same with the recommendation that said bill be amended as follows:

12 116fa

13 On page 1, line 15, of the printed bill, after "fund." insert "If the owner successfully claims
14 the funds held in trust, the administrator shall pay money to the owner from the unclaimed
15 property trust fund to satisfy the claim. If such payment is made by the administrator, the
16 administrator shall transfer an equal amount to the unclaimed property trust fund from future
17 proceeds designated to the building South Dakota fund until the unclaimed property trust fund
18 is made whole."

19 And that as so amended said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on State Affairs respectfully reports that it has had under consideration
22 SB163 and returns the same with the recommendation that said bill be amended as follows:

23 163ob

24 On page 1, line 8, of the printed bill, delete "providence" and insert "source".

25 On page 2, line 2, delete "providence" and insert "source".

26 163oa

27 On page 2 of the printed bill, delete lines 16 to 21, inclusive.

1 163ta

2 On page 2, between lines 15 and 16 of the printed bill, insert:

3 "Section 5. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 For purposes of this Act, the term, social host, means anyone who hosts a social gathering
6 and knowingly condones the consumption of alcohol by underage minors on property that the
7 host controls."

8 163ota

9 On page 1, line 2, of the printed bill, after "premises" delete "," and insert "and".

10 On page 1, line 3, delete everything after "therefor" and insert "."

11 And that as so amended said bill do pass.

12 Respectfully submitted,
13 Larry Rhoden, Chair

14 **MESSAGES FROM THE HOUSE**

15 MR. PRESIDENT:

16 I have the honor to transmit herewith HB 1078, 1089, 1091, 1104, 1123, 1148, 1159, 1167,
17 1178, and 1185 which have passed the House and your favorable consideration is respectfully
18 requested.

19 Respectfully,
20 Arlene Kvislen, Chief Clerk

21 **MOTIONS AND RESOLUTIONS**

22 SENATE PAGE RESOLUTION 2 Introduced by: Senators Begalka; Bradford; Brown;
23 Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman, Phyllis; Holien; Hunhoff, Jean; Jensen;
24 Jones, Chuck; Jones, Tom; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup, Al;
25 Omdahl; Otten, Ernie; Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann;
26 Tieszen; Van Gerpen; Vehle; Welke; White

27 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Eighty-ninth
28 Legislature of the State of South Dakota to Chelsie Beyl, Gina Elmore, Jordan Hanson,

1 Jacey Jessop, Alexis Logue, Bailee Matucha, Alex McLaury, Jason Samuelsen, Jacob
2 Schoenbeck, Lorisa Schoenbeck, Alexis Schubert

3 WHEREAS, the above named served loyally as pages for the Senate of the Eighty-ninth
4 Legislative Session; and

5 WHEREAS, the members of the Eighty-ninth Senate express their most sincere
6 appreciation to these young people for their service to the state; and

7 WHEREAS, the members extend to these young people their wishes for every success in
8 life:

9 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-ninth Legislature
10 of the State of South Dakota, that a personal copy of this resolution be duly certified and
11 furnished to each page on this last day of service.

12 Sen. Maher moved that Senate Page Resolution 2 be adopted.

13 The question being on Sen. Maher's motion that Senate Page Resolution 2 be adopted.

14 And the roll being called:

15 Yeas 28, Nays 0, Excused 7, Absent 0

16 Yeas:

17 Brown; Curd; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones
18 (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie);
19 Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
20 Welke; White

21 Excused:

22 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Omdahl; Peters

23 So the motion having received an affirmative vote of a majority of the members-elect, the
24 President declared the motion carried.

25 Yesterday, Sen. Krebs announced her intention to reconsider the vote by which SB 91 lost.

26 Sen. Krebs moved that the Senate do now reconsider the vote by which SB 91 was lost.

27 And the roll being called:

28 Yeas 28, Nays 0, Excused 7, Absent 0

1 Yeas:

2 Brown; Curd; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones
3 (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie);
4 Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
5 Welke; White

6 Excused:

7 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Omdahl; Peters

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried and SB 91 was up for reconsideration and final passage.

10 Sen. Krebs moved that SB 91 be deferred to Monday, February 10, the 17th legislative day.

11 Which motion prevailed.

12 HCR 1011: A CONCURRENT RESOLUTION, Endorsing Taiwan's participation as an
13 observer in the International Civil Aviation Organization (ICAO) and the thirtieth anniversary
14 of sister state relations with the Province of Taiwan in the Republic of China (Taiwan) and
15 Taiwan's inclusion in the Trans Pacific Partnership (TPP).

16 Was read the second time.

17 Sen. Rave moved that the Senate do concur in HCR 1011 as found on page 262 of the
18 House Journal.

19 The question being on Sen. Rave's motion that HCR 1011 be concurred in.

20 And the roll being called:

21 Yeas 28, Nays 0, Excused 7, Absent 0

22 Yeas:

23 Brown; Curd; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones
24 (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie);
25 Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
26 Welke; White

27 Excused:

28 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Omdahl; Peters

29 So the motion having received an affirmative vote of a majority of the members-elect, the
30 President declared the motion carried and HCR 1011 was concurred in.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Sen. Rave moved that the reports of the Standing Committees on
3 Education on SB 97 as found on page 235 of the Senate Journal; also
4 Commerce and Energy on SB 115 as found on page 236 of the Senate Journal; also
5 Judiciary on SB 4 as found on page 237 of the Senate Journal; also
6 Judiciary on SB 6 as found on page 237 of the Senate Journal be adopted.
7 Which motion prevailed.

8 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

9 SB 187 Introduced by: The Committee on Appropriations
10 FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the
11 legislative, judicial, and executive departments of the state, the expenses of state institutions,
12 interest on the public debt, and for common schools.
13 Was read the first time and referred to the Committee on Appropriations.

14 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

15 HB 1078: FOR AN ACT ENTITLED, An Act to revise the eligibility requirements for the
16 South Dakota opportunity scholarship to include certain students who reside in bordering states.
17 Was read the first time and referred to the Committee on Education.

18 HB 1089: FOR AN ACT ENTITLED, An Act to allow certain school districts that receive
19 state aid to education to receive funding for certain students with limited English proficiency.
20 Was read the first time and referred to the Committee on Appropriations.

21 HB 1091: FOR AN ACT ENTITLED, An Act to allow municipalities and counties to
22 adopt a property maintenance code.
23 Was read the first time and referred to the Committee on Local Government.

1 HB 1104: FOR AN ACT ENTITLED, An Act to allow local governing bodies to require
2 the payment for certain goods and services by electronic transaction.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 HB 1123: FOR AN ACT ENTITLED, An Act to allow alcoholic beverages to be sold,
5 served, and consumed in certain on-sale licensees during for an extended period of time if
6 specific conditions are met.

7 Was read the first time and referred to the Committee on State Affairs.

8 HB 1148: FOR AN ACT ENTITLED, An Act to provide a license for certain businesses
9 to allow patrons to manufacture malt beverages and wines on the licensed premises for personal
10 use.

11 Was read the first time and referred to the Committee on Commerce and Energy.

12 HB 1159: FOR AN ACT ENTITLED, An Act to revise the documentation requirements
13 for designation as a veteran on driver licenses, permits, and nondriver identification cards.

14 Was read the first time and referred to the Committee on Transportation.

15 HB 1167: FOR AN ACT ENTITLED, An Act to allow schools to maintain a stock and to
16 administer epinephrine auto-injectors in certain cases.

17 Was read the first time and referred to the Committee on Education.

18 HB 1178: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to false
19 statements pertaining to aircraft registration and associated penalties.

20 Was read the first time and referred to the Committee on Judiciary.

21 HB 1185: FOR AN ACT ENTITLED, An Act to allow certain family members of residents
22 to obtain nonresident waterfowl hunting privileges, to provide preference for certain nonresident
23 veterans, and to establish a penalty.

24 Was read the first time and referred to the Committee on Agriculture and Natural
25 Resources.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 SB 138: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to title-
3 based escheatment of abandoned United States savings bonds and the proceeds thereof.

4 Was read the second time.

5 The question being "Shall SB 138 pass?"

6 And the roll being called:

7 Yeas 27, Nays 0, Excused 8, Absent 0

8 Yeas:

9 Brown; Curd; Heineman (Phyllis); Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom);
10 Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie); Rampelberg;
11 Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

12 Excused:

13 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Holien; Omdahl; Peters

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 President declared the bill passed and the title was agreed to.

16 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

17 The Senate proceeded to the consideration of the executive appointment of Don Holloway
18 of Pennington County, Rapid City, South Dakota, to the Board of Pardons and Paroles.

19 The question being "Does the Senate advise and consent to the executive appointment of
20 Don Holloway pursuant to the executive message as found on page 22 of the Senate Journal?"

21 And the roll being called:

22 Yeas 27, Nays 0, Excused 8, Absent 0

23 Yeas:

24 Brown; Curd; Heineman (Phyllis); Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom);
25 Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie); Rampelberg;
26 Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

27 Excused:

28 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Holien; Omdahl; Peters

1 So the question having received an affirmative vote of a majority of the members-elect, the
2 President declared the appointment confirmed.

3 The Senate proceeded to the consideration of the executive appointment of Brian Zeeb of
4 Hughes County, Pierre, South Dakota, to the SD Interstate Commission for Adult Offender
5 Supervision.

6 The question being "Does the Senate advise and consent to the executive appointment of
7 Brian Zeeb pursuant to the executive message as found on page 22 of the Senate Journal?"

8 And the roll being called:

9 Yeas 27, Nays 0, Excused 8, Absent 0

10 Yeas:

11 Brown; Curd; Heineman (Phyllis); Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom);
12 Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie); Rampelberg;
13 Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

14 Excused:

15 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Holien; Omdahl; Peters

16 So the question having received an affirmative vote of a majority of the members-elect, the
17 President declared the appointment confirmed.

18 The Senate proceeded to the consideration of the executive appointment of Greg Erlandson
19 of Pennington County, Rapid City, South Dakota, to the Board of Pardons and Paroles.

20 The question being "Does the Senate advise and consent to the executive appointment of
21 Greg Erlandson pursuant to the executive message as found on page 23 of the Senate Journal?"

22 And the roll being called:

23 Yeas 27, Nays 0, Excused 8, Absent 0

24 Yeas:

25 Brown; Curd; Heineman (Phyllis); Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom);
26 Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Otten (Ernie); Rampelberg;
27 Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

28 Excused:

29 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Holien; Omdahl; Peters

30 So the question having received an affirmative vote of a majority of the members-elect, the
31 President declared the appointment confirmed.

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